

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VERSATA SOFTWARE, INC., ET AL.

vs.

SAP AMERICA, INC., ET AL.

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CASE NO. 2:07-CV-153-CE

VERDICT FORM

Question No. 1:

Do you find that Versata has proven, by a preponderance of the evidence, that SAP has directly infringed claims 26, 28, and 29 of U.S. Patent No. 6,553,350 B2 ("the '350 patent")?

Answer "yes" or "no" for each claim.

Claim 26: yes

Claim 28: yes

Claim 29: yes

Question No. 2:

Do you find that Versata has proven, by a preponderance of the evidence, that SAP has induced the infringement of claim 29 of U.S. Patent No. 6,553,350 B2 ("the '350 patent"), after April 20, 2007?

Answer "yes" or "no."

Claim 29:

yes

Question No. 3:

Do you find that Versata has proven, by a preponderance of the evidence, that SAP has contributed to the infringement of claim 29 of U.S. Patent No. 6,553,350 B2 ("the '350 patent"), after April 20, 2007?

Answer "yes" or "no."

Claim 29:

yes

Question No. 4:

Do you find that Versata has proven by a preponderance of the evidence that SAP has directly infringed claims 31, 35, and 36 of U.S. Patent No. 5,878,400 ("the '400 patent")?

Answer "yes" or "no" for each claim.

Claim 31: yes

Claim 35: yes

Claim 36: yes

Question No. 5:

Do you find by clear and convincing evidence that the asserted claims of the '350 patent are invalid because the patent fails to satisfy the best mode requirement?

Answer "yes" or "no" for each asserted claim.

Claim 26: no

Claim 28: no

Claim 29: no

Question No. 6:

Do you find by clear and convincing evidence that the asserted claims of the '400 patent are invalid because the patent fails to satisfy the best mode requirement?

Answer "yes" or "no" for each asserted claim.

Claim 31: no

Claim 35: no

Claim 36: no

ONLY answer Question No. 7 if you have answered "YES" to any part of questions 1 through 4. Otherwise, do not answer Question No. 7.

Question No. 7:

What sum of money, if any, based on a reasonable royalty would fairly and adequately compensate Versata as damages for the infringement you have found?

Answer in dollars and cents.

Answer: \$ 138,641,000

Answer no Further Questions.

Signed the 26 day of August, 2009.